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# National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21

## Tunisia*

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## Introduction

1. In line with the international obligations of Tunisia relating to the universal periodic review, and following the submission of its reports in 2008 and 2012 and its midterm progress report in 2014, the National Commission for the Coordination, Preparation and Submission of Reports and Follow-up to Recommendations on Human Rights prepared this report.

2. The report highlights the legal, institutional and practical initiatives undertaken by Tunisia with a view to promoting, protecting and implementing human rights from 2012 until the date of submission of this report, taking into account the recommendations and concluding observations of diverse United Nations human rights mechanisms.

## The methodology used

3. In line with the guiding principles for the preparation of this report, the National Commission adopted a participatory approach and held consultations with representatives of civil society organizations, independent societies and other national bodies. For instance, it held a consultation meeting with representatives of an alliance of associations led by the Tunisian Association for Reproductive Health on 16 November 2016 (annex 1); a national consultation in Tunis on 1 December 2016, to which many associations and organizations were invited (annex 2); a regional consultation in the Governorate of Sidi Bouzid and neighbouring governorates on 2 December 2016 (annex 3); and a dialogue with the Higher Committee for Human Rights and Basic Freedoms on 6 January 2017. The Commission concluded the participatory process by organizing a national consultation in Tunis on 20 January 2017 on the first draft of the report. The adoption of this approach led to more intensive joint action and support for the principle of participatory democracy enshrined in the Constitution (annex 4).

# I. The legal and institutional framework for the protection and promotion of human rights

## A. The legal framework

### 1. The constitutional framework

4. The political and administrative system: In January 2014, the National Constituent Assembly adopted the Tunisian Constitution, which established a republican system of participatory democracy based on citizenship, the will of the people, the rule of law, and respect for human rights and freedoms, which the judiciary is mandated to protect from all violations. In addition, the Constitution regulates the legislative, executive, judicial and local authorities and specifies the nature of the relations among them.[1]

5. Constitutionalizing human rights and the regulations restricting them: The National Constituent Assembly included human rights and freedoms in the 2014 Constitution with a view to endowing them with constitutional status. The law merely specifies the applicable regulations, while complying with the detailed conditions laid down in the Constitution. Thus, the Constitution stipulates that[2] the State guarantees freedom of conscience and belief, and the free exercise of religious practices. Chapter Two enshrines civil, political, economic, social and cultural rights, the right to development and individual and collective freedoms. Citizens are recognized as having equal rights and duties without discrimination, and the Constitution guarantees the rights of women, children and persons with disabilities. It states that the right to life is sacred and cannot be violated save in extreme cases specified by law. The State is required to protect human dignity and physical integrity, and to prohibit mental and physical torture. In addition, crimes of torture are not subject to a statute of limitations. The Constitution protects the right to privacy, the inviolability of the home, and the confidentiality of correspondence, communications and personal

information. All citizens are guaranteed the right to choose their place of residence and to move freely within the country as well as the right to leave the country. Citizens may not be deprived of their nationality, exiled, extradited or prevented from returning to their country. The right to political asylum in accordance with the law is guaranteed and no one who has been granted asylum may be extradited. The Constitution also states that accused persons are presumed to be innocent until their guilt is proven in a fair trial that provides all guarantees required for their defence throughout the stages of investigation and trial. Freedom of opinion, thought, expression, information and publication are guaranteed, and such freedoms are not subject to prior monitoring. The State is required to guarantee the right to information and the right of access to information.

6. The Constitution guarantees the right to vote, to elect and to stand for election, and women's right to representation in elected bodies. It guarantees freedom to establish political parties, trade unions and associations, the right to strike, and freedom of association and peaceful assembly. The Constitution also guarantees the right to health and social welfare, the right to free public education and the right to work. It guarantees the right to intellectual property, the right to culture, freedom of creative expression and to protection of the cultural heritage, including for future generations, and it requires the State to promote sports. It protects the right to water and to a safe and balanced environment, and the right to participate in action to protect the climate.

7. No amendment may undermine the human rights and freedoms guaranteed in the Constitution. The restrictions that may be imposed on rights and freedoms guaranteed by the Constitution should be established by law and should not detract from their substance. Such restrictions should be imposed solely with a view to meeting the needs of a civil and democratic State, or protecting the rights of others, public security, national defence, public health or public morals. Moreover, the restrictions should be proportionate to the objectives sought. The judicial authorities are required to ensure that rights and freedoms are protected from all violations, and to guarantee the administration of justice, the supremacy of the Constitution and the rule of law.[3]

## 2. Ratification of international instruments and cooperation with United Nations mechanisms

8. Article 20 of the Constitution states that international treaties approved and ratified by the Assembly of the Representatives of the People have primacy over national legislation but not over the Constitution. Such treaties may therefore be imposed directly by the judiciary. Tunisia has ratified 14 out of 18 international treaties and has withdrawn its reservations.[4] In 2011 Tunisia issued an open invitation to the special procedures and has hosted 15 visits since then by special rapporteurs and working groups, including 10 during the past four years (annex 5).

9. The National Commission for the Coordination, Preparation and Submission of Reports and Follow-up to Recommendations on Human Rights was established with a view to addressing delays in the submission of United Nations reports and implementing best practices in that regard (annex 6).[5] It is a standing Commission attached to the Prime Minister's Office, is composed of representatives of all ministries and is chaired by the Minister responsible for human rights. During 2016 Tunisia presented its reports to the Committee on Enforced Disappearances,[6] the Committee against Torture[7] and the Committee on Economic, Social and Cultural Rights.[8] It updated its common core document and submitted it to the secretariat in September 2016.

10. Tunisia supports the efforts of the Human Rights Council to develop human rights standards by participating in the drafting of resolutions such as those concerning freedom of expression on the Internet, the protection of journalists, civil society space, democracy and human rights, and protection of the family. It has also sponsored a number of resolutions concerning human rights defenders, the right to freedom of peaceful assembly, the right to development, and the elimination of violence against women and racial discrimination. As a member of the Council, Tunisia will endeavour to promote the achievement of its goals and to support all initiatives and resolutions aimed at protecting and promoting human rights.

11. The Office established in Tunisia by the Office of the United Nations High Commissioner for Human Rights (OHCHR) played a role in promoting cooperation with the international human rights system by providing substantive and technical support to all stakeholders.

12. Tunisia has permitted many international NGOs to establish offices in the country such as Human Rights Watch (HRW), the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and the World Organization against Torture (OMCT).

### 3. The legislative framework

13. Tunisia is seeking to align national legislation that has a bearing on human rights with the Constitution and its international obligations, as will be demonstrated throughout this report.

## B. The institutional framework for the protection and promotion of human rights

### 1. The role of the Assembly of the Representatives of the People

14. The National Commission for the Coordination, Preparation and Submission of Reports and Follow-up to Recommendations on Human Rights reports to the Assembly of the Representatives of the People. It is a standing Commission that discusses relevant bills before they are forwarded to the plenary for deliberation and enactment. Texts concerning rights and freedoms constitute organic acts that are adopted by an absolute majority of members of the Assembly of the Representatives of the People.

### 2. The role of the judiciary

15. The Constitution states that the judiciary is an independent authority, that judges are independent and subject only to the law in discharging their functions, and that nobody may interfere with the functioning of the judicial system. The Constitution also provides for a number of safeguards. Furthermore, for the first time in the history of the Tunisian judiciary, all its components (judicial, administrative and financial) are combined in a single body designated the Supreme Judicial Council.[9]

16. In 2013 a temporary body was established to oversee the judicial system pursuant to an Organic Act (annex 7). It oversaw judicial procedures during the period 2013-2016, while the Supreme Council of the Administrative Court and the Supreme Council of the Accounting Department continued to function under the supervision of the Prime Minister. The mandates of the temporary body and the two Councils ended when the composition of the Supreme Judicial Council established under the Constitution was completed.

17. On 23 October 2016, the Independent High Authority for Elections supervised the election of members of the Supreme Judicial Council. Fifty-four per cent of the 32 elected members were women. The elected members and those appointed on the basis of their existing functions were sworn into office in the presence of the President of the Republic on 14 December 2016. The Council has not yet begun to perform its duties owing to divergences in the interpretation of the applicable legal text (annex 8).

18. Article 110 of the Constitution provides for the establishment of military courts and prohibits the establishment of courts with exceptional status. It states that the military courts have jurisdiction to rule on military crimes. A technical committee is currently reviewing the legislation governing the military court system and the statute applicable to military judges in order to align them with the Constitution and international norms guaranteeing the independence of the judiciary, and in order to establish rules guaranteeing a fair trial, in accordance with article 149 of the Constitution.

19. The independence of the military judiciary has been supported[10] by a set of reforms designed to enhance the guarantees of a fair military trial (the principle of two-level litigation, the right to sue for damages and to institute a prosecution on one's own responsibility, and alignment of the procedures adopted in the military courts with the

provisions of the Code of Criminal Procedure). In addition, a Military Judicial Council has been established and a statute applicable to military judges has been developed. It provides for the independence of the Military Prosecutor's Office from the executive in instituting a prosecution, and abolishes the procedure whereby a military court quorum is met by appointing military personnel who are not judges.

### 3. Independent constitutional bodies[11]

20. The 2014 Constitution devotes a special chapter to independent constitutional bodies and requires all State institutions to facilitate their work. They seek to support democracy, are endowed with legal personality and enjoy administrative and financial independence. They are elected on the basis of a qualified majority. The Constitution states that the law shall establish the composition and internal representation of the bodies in question, their electoral and organizational procedures, and procedures for ensuring their accountability. In May 2016 a governmental legal initiative was submitted to the Assembly of the Representatives of the People concerning an organic bill on common provisions applicable to independent constitutional bodies.

- **The Independent High Authority for Elections**

21. This body is responsible for the management, organization and supervision of elections, and for ensuring their sound conduct, fairness and transparency. The Authority is organized pursuant to an Organic Act,[12] its officials have been assigned a special status to facilitate their tasks and it has been allocated an independent budget. The Authority supervised the 2014 parliamentary and presidential elections. It has also issued a strategic plan for the period 2016-2019.[13]

- **The Audiovisual Communication Authority**[14]

22. It is responsible for adapting and developing the audiovisual communication sector, guaranteeing freedom of expression and promoting pluralist and impartial communication media. It will replace the Independent High Authority for Audiovisual Communication.[15] The Government is currently preparing a legislative initiative for the purpose.

- **The Good Governance and Anti-Corruption Authority**[16]

23. This body will be involved in formulating the Government's good governance policy, in monitoring its implementation, in spreading a culture of good governance, and in preventing and combating corruption with a view to promoting principles of transparency, integrity and accountability. It will replace the National Anti-Corruption Authority.[17] The Government prepared a legislative initiative, engaged in consultations concerning it, and submitted it to the Council of Ministers in late 2016 pending its referral to the Assembly of the Representatives of the People. The Assembly is currently discussing an organic bill concerning disclosure of corruption and protection of informants.

- **The Authority on Sustainable Development and the Rights of Future Generations**

24. The Authority will be consulted on bills concerning economic, social and environmental issues and on development plans. The Government is currently preparing a legislative initiative for the purpose.

- **The Human Rights Commission as a national institution for the protection and promotion of human rights**

25. Its mandate consists in monitoring respect for and promotion of human rights and freedoms and submitting proposals for developing the human rights system. It must be consulted on bills that fall within its mandate. It will investigate cases of human rights violations with a view to resolving them or referring them to the competent authorities. The Commission will replace the High Committee for Human Rights and Fundamental Freedoms, which was established in 1991 and which fails to comply with the Paris Principles. The latter made a number of contributions to the preparation of this report (annex 11). The Government submitted a legislative initiative in June 2016 to the Assembly of Representatives of the People consisting of an organic bill on the Commission, which

was drafted on the basis of a participatory approach involving stakeholders in the field of human rights (annex 12).

4. **Other independent bodies: The following independent bodies have been established since 2012:**

- **The National Authority for the Prevention of Torture**[18] (annex 13)

26. It was established in response to the obligations incurred by Tunisia on ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It has wide-ranging powers and authority with respect to all places of detention. Its members were elected by the Assembly of Representatives of the People and were sworn in on 5 May 2016. They are currently awaiting the publication of provisions applicable to the Commission.

- **The Truth and Dignity Commission**[19]

27. The Commission was established pursuant to Organic Act No. 53 of 2013 concerning the establishment and organization of transitional justice (annex 14). It is tasked with implementing the provisions of the Act, and the period covered by its mandate extends from 1 July 1955 to the date of enactment of the Act. It has been discharging its functions since the election of its members by the National Constituent Assembly in May 2014, and it has been allocated an independent budget to perform its duties.

- **The Commission on Access to Information**

28. It was established[20] to ensure the proper implementation of this provision of the Constitution. The Assembly of Representatives of the People has called for the nomination of candidates for election of its members (annex 15). It will seek to guarantee the right of all natural or legal persons to have access to information in the possession of the bodies responsible for supervising public facilities by examining complaints against decisions by the authorities to deny access to such information.

# II. The promotion and protection of human rights on the ground

## A. Measures to reform the judicial system

29. In 2012 the Ministry of Justice adopted the Strategic Plan to Reform the Judiciary (2012-2016), the purpose of which is to support the independence of the judiciary and to respond to the expectations of litigants (annex 16).[21] Furthermore, in 2013 the Ministry conducted a national consultation, in cooperation with the United Nations Development Programme (UNDP), on reform of the judicial system. It presented the results of its work and its proposals in December 2013. Drawing on the outcome, the Ministry adopted an Action Plan in 2014 to reform the judicial and prison system during the period 2015-2019.[22]

30. With a view to implementing the plans, the Ministry of Justice joined a number of programmes financed by the European Union, for example: the Support for Partnership, Reforms and Inclusive Growth programme (SPRING), which supports reform of the judiciary in structural and human terms and the establishment of an independent judicial system; the Judicial Reforms Support Programme (PARJ); the Council of Europe programme run by the European Commission for the Efficiency of Justice (CEPEJ), which seeks to develop and enhance the capacities of the Court of Cassation and five other pilot courts; and the programme on "Strengthening Democratic Reform in the Southern Neighbourhood", which supports the democratic and judicial reform process and promotes the independence and efficiency of the judiciary. In addition, the Ministry has created committees tasked with drafting statutes applicable to judges of the ordinary, administrative and financial courts and to other legal professions. In light of judges' mandate to investigate complex and hazardous crimes, specialized judicial authorities have been created, such as: the Counter-Terrorism Judicial Authority[23] (annex 16) tasked with investigating all terrorist crimes defined in the relevant legislation and related offences; and the Economic and

Financial Judicial Authority[24] (annex 17), which is authorized to develop precise definitions of economic offences and to specify investigation and prosecution procedures.

## B. Development and building of capacities in the area of human rights

31. The aim of disseminating a human rights culture in Tunisia is enshrined in article 39 of the Constitution. The following measures have been taken to that end.

32. With regard to the judiciary, since 2012 the Higher Institute of the Judiciary has provided human rights training for 964 legal officers. It also organized, in cooperation with OHCHR, 14 training courses for practising judges in 2014 and 2016. Each course was attended, on average, by 60 judges. As part of the programme to support the development of the judiciary, a partnership agreement was signed, in cooperation with the European Union, on development of the structure of the Higher Institute of the Judiciary and of its human resource, educational and scientific capacities. In addition, the Ministry of Justice has organized courses for practising judges and public prosecutors based on bilateral cooperation agreements.

33. With regard to prison staffing and reforms, the basic public training programme of the human rights module for prison staff has been updated and aligned with international human rights norms applicable to penitentiary units.

34. In 2013 the International Committee of the Red Cross (ICRC) organized an on-site training course. In addition, as part of its ongoing cooperation with the Ministry, OHCHR organized a series of training courses on behalf of 1,611 officials. In the context of the partnership between the Ministry of Justice and the Ministry responsible for children, eight training courses in the development of a child rights culture and the elimination of violence against children were organized in 2015 and 2016. They were attended, on average, by 22 officials working in direct contact with children.

35. The Ministry of the Interior continues to build the capacity of the internal security forces through training courses based on international norms and on national constitutional and legislative provisions relating to human rights and fundamental freedoms. It cooperated with the Council of Europe, OHCHR, the United Nations Educational, Scientific and Cultural Organization (UNESCO), ICRC, the Geneva Centre for the Democratic Control of Armed Forces, and other bodies. In December 2015 the United Nations Counter-Terrorism Implementation Task Force organized a training course on countering terrorism while respecting human rights on behalf of the forces responsible for internal security and the protection of civilians. It focused on monitoring and protective mechanisms, a moral and legal code of conduct for police officers, human rights, the prohibition of torture, and international arrest and detention standards. Steps are being taken to develop curricula for national security colleges and to establish a police academy.

36. With regard to the Ministry of Defence, a number of military judges have received training in international humanitarian law within the country and abroad. For example, they attended training courses at the International Institute of Humanitarian Law in San Remo, Italy, during the period 2013-2016, and courses at the Partnership for Peace Training Centre in Ankara on human trafficking during the past four years. They also attended the twenty-first Arab training course in international humanitarian law held in Tunis in April 2016. The Ministry organized training courses and the Tunis Seminar on international humanitarian law in the School for the Application of Military Health Services in 2012, 2013, 2014 and 2015. It participated in August 2014 in a presentation in Tunis in 2014 by an ICRC armed forces delegate of procedures for cooperation between the Ministry of Defence and ICRC. It is also arranging for instruction in human rights and international humanitarian law for specific groups in diverse military training schools, and for the publication of guidelines and booklets on international humanitarian law.

## C. The process of transitional justice

37. Organic Act No. 53 of 2013 regulated areas of transitional justice, such as disclosure of the truth, preservation of memories, accountability, compensation for damages, rehabilitation, reconciliation and institutional reform. It established the Truth and Dignity Commission which, on commencing its duties, adopted a guidebook on arbitration and reconciliation measures (2015) and a guidebook on research and investigation (2016).[25] It received 62,326 complaints and petitions prior to the deadline for submission and held 13,165 hearings for victims. It also broadcast public hearings in the media on 17 and 18 November and 14 and 15 December 2016 and on 14 and 26 January 2017. Criminal divisions specializing in transitional justice were established in the lower courts attached to the courts of appeal[26] (annex 18). The Temporary Judicial Authority[27] assigned a number of judges to the criminal divisions specializing in transitional justice in the aforementioned lower courts for the purpose of examining transitional justice cases.

38. The Ministry of Justice is currently cooperating with the Truth and Dignity Commission, the Temporary Judicial Authority, OHCHR and the United Nations Development Programme (UNDP) on the production of operating guidelines for the criminal divisions specializing in transitional justice. It should be noted that, prior to the establishment of the Commission, compensation was provided to injured persons and to the families of persons who died during the revolution, and advance payments were made to persons who were granted a general amnesty whose requests for compensation were deemed to require an expeditious response (annex 19).

39. Furthermore, the military justice system addressed crimes committed against demonstrators and protectors during the revolution of 17 December 2010 to 14 January 2011, as the regular justice system refrained from addressing them. It launched investigations into a number of the crimes committed, including intentional and premeditated homicide, intentional homicide and intentional infliction of injuries. Convictions were handed down against a number of security force leaders and officers and against field officers. The courts handed down sentences of material compensation to the families of martyrs and to persons injured during the revolution. The cases are still pending before the Military Appeal Court, since the initial judgments appealed against were quashed by the Court of Cassation and referred to a different court. In addition, the military justice system is prosecuting perpetrators of human rights violations against soldiers under the previous regime in the so-called "Barraket Essahel" affair. Convictions were handed down in some ongoing cases and the sentences included compensation for the victims of the violations. The court rejected the defence argument based on the statute of limitations because material and legal obstacles had prevented the victims from prosecuting the perpetrators when the crimes were committed in 1991.

## D. Combating torture

40. According to article 23 of the Constitution, the State protects human dignity and physical integrity, and prohibits mental and physical torture. Article 29 states that no person may be arrested or detained unless he or she is apprehended during the commission of a crime or on the basis of a judicial order. Persons must be immediately informed of their rights and the charges against them, and they have the right to appoint a lawyer. Article 30 guarantees the right of all prisoners to humane treatment that preserves their dignity. In enforcing a penalty involving deprivation of liberty, the State is required to take into account the interests of the family and to seek the rehabilitation and reintegration of the prisoner into society. The Constitution also enshrines the principle that the crime of torture is not subject to any statute of limitations, a principle which is also reflected in article 24 of the Organic Act establishing the National Authority for the Prevention of Torture.

41. In addition, the Organic Act[28] amending some articles of the Code of Criminal Procedure, which entered into force at the beginning of June 2016, provides a basic guarantee of the prevention of torture, inasmuch as it reduces the legal period of confinement and grants suspects the right to have a lawyer present during the initial interrogation and to request a medical examination (annex 20).

42. At the practical level, the Ministry of the Interior, in cooperation with a number of international and national organizations, such as the Swiss Association for the Prevention of Torture (APT), the World Organization against Torture (OMCT), OHCHR and ICRC, organized workshops, training courses and study sessions for internal security force personnel that focused on prevention of ill-treatment and torture, capacity-building based on international human rights norms, and boosting oversight of places of deprivation of liberty.

43. The Ministry of the Interior, in cooperation with the ICRC, is implementing a project in Tunisia on "Improvement of the treatment of detainees during police custody". Its six main components focus on: basic and supplementary training to ensure that detainees are treated in accordance with a human rights approach; improvement of the infrastructure of places of detention; development of standard guidelines on methods of interrogation and questioning; production of posters listing detainees' guarantees to be hung on the walls of all detention centres; and production of "Guidelines on commendable practices for law enforcement personnel in detention centres for suspects", which provide guidance on professional conduct and humane treatment when enforcing the law in holding cells and detention centres.

44. It should be noted that, after the revolution, the Ministry of the Interior issued numerous leaflets, telegrams and work notes to law enforcement personnel with a view to improving their relations with detainees, and ensuring greater efficiency in the fight against crime and the prosecution of perpetrators by promoting an approach based on respect for the law and promotion of the principle of responsible national security based on transparency, impartiality, service on behalf of citizens, and a correct approach to peaceful meetings, gatherings and protests. To that end, it drafted a code of conduct for the internal security forces specifying procedures for democratic conduct within the security establishment and enshrining the concept of national security, in accordance with article 19 of the Constitution. A committee was established in the Ministry of the Interior to review the Act[29] concerning basic legislation applicable to the internal security forces and the Act[30] regulating public meetings, demonstrations, marches and parades in order to align them with basic human rights principles.

45. The various steering committees established in connection with the reform and modernization of the security sector are continuing to draft legislation aimed at regulating and controlling security-related activities, and are developing legal frames of reference for the neighbourhood police and for complaint and investigation procedures "as a project to support prevention, preparedness and management of crisis situations" together with the UNDP and under the European Union programme to support the modernization and reform of the security sector.

46. With regard to arrangements for foreign monitoring of places of detention, the Human Rights Unit of the Ministry of the Interior coordinates with international governmental and non-governmental associations and organizations with a view to establishing procedural safeguards and eliminating the likelihood or risk of torture. Visits to detention centres have been arranged on 59 occasions for the ICRC, the European Parliament, Doctors of the World, Human Rights Watch, and the Danish Rehabilitation and Research Centre for Torture Victims.

47. A visit to Tunisia by a delegation of the United Nations Subcommittee on Prevention of Torture was facilitated in April 2016. The Ministry of the Interior issued parallel instructions aimed at facilitating the work of the National Authority for the Prevention of Torture.

48. The Ministry of Justice, acting in cooperation with the Danish Institute against Torture, issued a guidebook on combating torture in late 2014 with a view to training 140 judges, including 60 trainers. The guidebook was distributed among the appeal courts and courts of first instance. It is expected that each of them will train between 10 and 15 judges during the next two years.

49. Following its ratification by Tunisia, the Optional Protocol to the Convention against Torture was incorporated in the human rights curriculum of all categories of trainees in the National School for Prisons and Rehabilitation. They will be informed of the

mandate of the Subcommittee on Prevention of Torture as an international preventive mechanism authorized to visit places of detention where persons are deprived of their liberty. Since the promulgation of the Decree[31] concerning ratification of the Code of Conduct and Ethics of Public Officials, the Directorate General for Prisons and Rehabilitation has circulated the Code and held regular training sessions to raise awareness of its content. The prison and rehabilitation inspection authorities conduct regular unannounced visits to places of detention to investigate problems and difficulties encountered in such facilities and to address existing transgressions.

50. The Ministry of Justice, in cooperation with OHCHR, organized a training course in 2013 on "Human rights and visits to places of detention". It organized training courses, in cooperation with the Geneva Centre for the Democratic Control of Armed Forces, that led to the publication of the "Guide on Visiting Places of Detention". A training course was also held by ICRC for prison officers and staff. In addition, the Ministry of Justice organized a think tank, in coordination with the ICRC regional delegation in Tunis, with a view to submitting proposals aimed at reducing prison overcrowding in the short and medium term.

51. With regard to visits to places of detention, on 10 December 2012 the Ministry of Justice signed nine memorandums of understanding with associations and organizations of human rights defenders, authorizing them to visit prisons. By late December 2016, the organizations had conducted 664 visits. Action pursuant to the memorandums came to an end when the National Authority for the Prevention of Torture was assigned its mandate. Bodies wishing to visit prisons are now issued with a permit following case-by-case examinations of their requests. A Memorandum of Understanding was signed in this context with the Tunisian Human Rights League and its branches on 10 July 2015, enabling it to visit prisons and investigate inmates' circumstances. An agreement was reached with Penal Reform International on 17 May 2016 on the implementation during a two-year period of two projects concerning, on the one hand, the imposition of alternative penalties in Messadine Prison and, on the other, promotion of a human rights approach to the treatment of inmates in Messadine Prison and in the Rehabilitation Centre for Juvenile Offenders in Sidi al-Heni. In addition, the Ministry signed an agreement on 12 January 2016 with the Ministry for Women, the Family and Children that permits delegates specializing in the protection of children to visit rehabilitation centres for minors to investigate the accommodation and living conditions, and to ensure respect for children's rights and proper treatment of minors.

52. It should be noted that the Public Prosecution Service attached to various courts of first instance has a special register containing records of complaints of torture and their outcome, oversight of the investigations until they reach the prosecution stage and the outcome thereof, with a view to ensuring that the outcome can be monitored. Since December 2008 Tunisia has had a special statistical system for use by the Inspectorate General at the Ministry of Justice to ensure that the time limits for pretrial detention are not exceeded.

53. A workshop was held on 17 November 2016, under the supervision of the Ministry for Relations with Constitutional Bodies and Civil Society and for Human Rights and in cooperation with the Danish Institute against Torture, on measures to develop the legal framework for the prevention of torture. Shortcomings in the existing national legislation were discussed and remedies were proposed. The Ministry of Justice and the National Authority for the Prevention of Torture held a meeting on 8 December 2016 with the Danish Institute against Torture to discuss the prevention and combating of torture and current challenges. They produced a joint working document that can be consulted when reviewing legal provisions and taking steps to guarantee, in particular: the invalidity of confessions extracted under torture; issues relating to allegations of torture before the courts; procedures for dealing with complaints and for combating immunity for crimes of torture and ill-treatment at all levels of legal proceedings; and protection of victims of torture and their relatives and witnesses. Pursuant to an agreement between the Ministry of Social Affairs and the Danish Institute against Torture (DIGNITY), the Ministry has supported the opening of an office to be run by the Institute in Tunisia, the aim being to assist and support victims of torture and to reintegrate them into society. Steps will also be

taken to train social participants in techniques of providing psychological support for victims of torture and violence and of contributing to their rehabilitation.

54. With a view to aligning national legislation with the Constitution and international norms, including the provisions of the Convention against Torture, two technical committees were created in the Ministry of Justice to conduct an in-depth review of the Criminal Code and the Code of Criminal Procedure, the aim being to formulate a general penal policy, to put forward views regarding the criminal and penal system as a whole, to align relevant provisions with international norms, particularly those pertaining to the fight against torture, and to encourage alternative penalties and the reduction of prison sentences.

55. In accordance with the recommendations issued by the United Nations Committee against Torture to Tunisia following the review of its third periodic report in April 2016, the standing Commission took steps to draft a report on procedures for implementing the recommendations, which will be presented for discussion by all stakeholders.

56. With regard to the strategy for addressing the issue of prison overcrowding, the Ministry of Justice, in cooperation with OHCHR and Penal Reform International, held a workshop in February 2015 entitled "Towards a national strategy to reduce overcrowding in Tunisian prisons". It was preceded by a number of meetings to discuss the reform of the prison system, in particular two international seminars in 2013 and 2014 on "Prisons: the current situation and future prospects", and a workshop on "The Bangkok Rules: their current status and challenges and priorities for Tunisia", which was organized by the Geneva Centre for the Democratic Control of Armed Forces in cooperation with the Ministry of Justice in May 2014. Measures were adopted in this context at a variety of levels, including the following:

- **Reduction in the imposition and duration of prison terms**

57. This involves the imposition of alternative penalties prescribed by law (community service and restitution) and the introduction of other alternative penalties to prevent incarceration and to promote a policy of rehabilitation and reintegration. As part of the Judicial Reforms Support Programme implemented in cooperation with the European Union, a support system has been created in Tunisia pending the establishment of an integrated legal system. The support system has set itself numerous goals, primarily enabling judges to impose penalties that are consistent with the nature of the offence perpetrated and the personality of the perpetrator; reduction of prison overcrowding; alignment of conditions of detention with international norms and domestic legislation; reduction of recidivism; and maintenance of detainees within their family and social environment.

58. Alternatives to detention pending prosecution such as legal surveillance and electronic monitoring will greatly reduce recourse to pretrial detention and will facilitate procedures such as the granting of a special pardon and conditional release as a preliminary solution to the problem of prison overcrowding. Convicted and sentenced prisoners will benefit from these procedures provided that their penal status meets the applicable conditions and standards.

- **The infrastructure**

59. The Ministry of Justice and the Directorate General for Prisons and Rehabilitation have refurbished many prisons, increasing their cell capacity to accommodate an additional 1,480 inmates in new wings in the prisons of Sfax, Mahdia, Monastir and Messadine Sousse. Prison capacity will be further increased between June and September 2017 to accommodate an additional 1,600 inmates as a result of the refurbishment of the prisons of Gabes and Burj al-Amri and Oudhna Centre by means of the Ministry's own resources or through United Nations support. A new prison will also be established in Nabeul region (with a capacity to accommodate 1,000 inmates) and in Beja Governorate. A health-care centre has been established in Burj al-Amri Prison with several different sections (physiotherapy, radiology, dentistry, etc.). Areas accommodating 300 inmates have been designated for training, employment and rehabilitation, most recently in Sfax. It should be noted that women and men are segregated in Tunisian prisons and detention centres, and during police custody. There is a special prison for women in the capital city that can

accommodate 700 inmates. In addition, seven prisons have separate wings for women.[32] Women inmates account for 661 out of a total of 23,553 remand or convicted prisoners (annex 21). Special provision is made for detained mothers and children who live with them in prison. Thus, space has been reserved in Manouba Prison for pregnant and lactating women as a result of an initiative by Penal Reform International. The initiative will be extended to all other prisons.

- **Development of legislation**

60. In addition to the two committees created in the Ministry of Justice to review the Criminal Code and the Code of Criminal Procedure, a review was conducted of the penalties prescribed for some offences defined in the bill concerning drugs, which was approved by the Council of Ministers and referred to the Assembly of the Representatives of the People. It was proposed not to bring legal proceedings against someone who requests himself or through his representative, spouse, ascendant, descendant or doctor to undergo medical and psychological treatment for his health condition, and who does not cut contact with or leave the health-care facility without the consent of the attendant physicians. This bill will enable the court to find extenuating circumstances for consumption offences, in accordance with article 53 of the Criminal Code. In addition, a committee has been established in the Ministry of Justice to review the Act concerning the prison system.[33]

## E. The issue of abolition of the death penalty

61. Article 22 of the Constitution stipulates that: "The right to life is sacred and may not be violated save in exceptional cases regulated by law." It should be noted that the issue of abolition of the death penalty has been discussed in the National Constituent Assembly and among political parties and other components of civil society. A national seminar was held in August 2012 on "Maintenance or abolition of the death penalty". The views expressed revealed a deep divergence of views. In practice, however, no death penalty has been executed in Tunisia since 17 November 1991. Moreover, Tunisia supported the United Nations General Assembly resolutions concerning a moratorium on the use of the death penalty adopted in 2012, 2014 and 2016.[34]

## F. The fight against human trafficking

62. An Organic Act[35] concerning the fight against human trafficking has been enacted. It provides for the prevention and combating of all forms of exploitation to which people may be subjected, particularly women and children. A national authority established pursuant to the Act is mandated to develop a comprehensive national strategy for the prevention of human trafficking, the deterrence and prosecution of perpetrators, and the protection and assistance of victims through coordinated action by the various actors involved in combating trafficking in persons (annex 22). The Ministry of National Defence participates in rescue operations at sea, providing first aid to victims and referring them to the local authorities. During the past six months it has conducted 480 rescue operations involving 6,762 persons as part of its action to halt illegal migration, which is responsible for a large proportion of human trafficking. It also oversees the borders through air and land surveillance operations designed to prevent the smuggling of goods, weapons and persons.

## G. The state of emergency

63. Decree No. 50 of 1978 regulates states of emergency. An organic act is currently being drafted with a view to aligning the regulations with the provisions of the Constitution. In light of the prevailing security situation and the fight against terrorism, a state of emergency has been proclaimed and extended several times, most recently through the January 2017 declaration. The United Nations Secretary-General has been notified on each occasion and assured that no right or freedom enshrined in the Covenant will be suspended.

## H. Respect for human rights while countering terrorism

64. The Act concerning the fight against terrorism and the prohibition of money laundering promulgated in 2015 establishes the following three bodies: the National Counter-Terrorism Commission; the National Financial Analysis Commission; and the Counter-Terrorism Judicial Authority. Furthermore, in late 2016 the President of the Republic approved a National Strategy to Combat Terrorism and Violent Extremism, which was drafted in compliance with international human rights norms. The different ministries have undertaken to develop plans for its implementation.

## I. Support for general rights and freedoms

65. Decree No. 115 of 2011, which regulates freedom of the press, printing and publication, is currently being reviewed to align it with the provisions of the Constitution and international norms. To that end, steps have been taken since 2014 to create a group of judges tasked with supporting cooperation between the National Observatory on the Independence of the Judiciary, OHCHR and the Article 19 organization with a view to ensuring that the provisions of the aforementioned Decree are implemented in accordance with international standards. Pursuant to Decree No. 41 of 2011 concerning access to administrative documents, the office of spokesperson on behalf of numerous official bodies and courts was created to facilitate communication with the media pending the entry into force of Organic Act No. 22 of 2016.

66. The Constitution guarantees the protection of personal data. According to article 24, the State protects citizens' right to privacy and the confidentiality of their personal data. This right is also enshrined in Organic Act No. 63 of 2004. The Prime Minister is currently considering an organic bill aimed at approving the application for accession to Council of Europe Convention No. 108 and its Additional Protocol No. 181.

67. The National Authority for the Protection of Personal Data established pursuant to the above-mentioned Organic Act issued 20 advisory opinions in response to requests from public bodies in 2016 and deals with 60 files each month. The Special Rapporteur on the right to privacy visited the Authority in December 2016 to discuss the organization of an international event to be held in Tunisia in May 2017 on privacy, personality and flows of information.

## J. Equality and non-discrimination

### 1. Protection and promotion of women's rights

68. The Constitution enshrines the principle of equality between women and men by using both the masculine and feminine forms of the term "citizen". It recognizes the family as the nucleus of society and the right of children to protection and education.[16]

69. Article 46 of the Constitution requires the State to protect women's rights as enshrined in the Personal Status Code and to strengthen and develop them.

70. The Ministry for Women, the Family and Children protects the rights acquired by women even before the promulgation of the Constitution. With a view to ensuring that women have access to its services in both urban and rural areas, 24 regional delegations for women's and family affairs were established in 2013[17] to cover the entire territory of the Republic. The Ministry was restructured with the aim of supporting equality of opportunity and gender equality, integrating women into social and economic life, and promoting the economic empowerment of women by creating administrative bodies tasked with monitoring and opposing discrimination and violence against them, an economic empowerment authority and an authority for the advancement of rural women.

71. In line with the principle of gender equality, it was decided in 2015[18] that travel authorization for minors could be granted by either of their parents or by their guardian or legal custodian. Authorization for travel and the issuance of passports had previously been reserved for the minor's father (annex 23).

72. Equality was institutionalized in 2016 through the creation of the Peer Council for Equality and Equality of Opportunity (annex 24), a body that seeks to introduce a gender-based approach to planning, programming, evaluation and budgeting in order to eliminate all forms of discrimination between women and men. With a view to ensuring equality in employment and wages, which is enshrined in the legislation, the labour inspection authorities adopt deterrent measures to address non-compliance by employers with the relevant provisions of the Labour Code.

73. The specifications issued by the Independent High Authority for Audiovisual Communication require anyone who obtains a permit to establish and run a private radio or television channel to comply with a number of basic principles, including "protection of women's rights and elimination of stereotypes in the media".

74. Since 2012 Tunisia has been implementing a national strategy to combat violence against women adopted in 2008, in cooperation with a number of United Nations organizations and civil society associations. It focuses on four areas: monitoring and assessment of the phenomenon of violence against women; provision of appropriate and diverse services to respond to the needs of women victims of violence: social mobilization and awareness-raising with a view to changing conduct and eliminating the phenomenon of violence against women; and advocacy of a review of the legislation and support for a legal system that prevents and criminalizes violence against women.

75. An Organic Bill aimed at eliminating violence against women was referred to the Assembly of the Representatives of the People for discussion and adoption in July 2016. The Bill, which adopts a comprehensive approach, provides for prevention, deterrence, protection and the establishment of institutional mechanisms. An advocacy and support plan has been developed for the Organic Bill as well as a legal framework applicable to care centres for women victims of violence. Al-Aman shelter for the protection of women against violence was established in 2015 and is run in partnership with civil society. A map of services rendered to women victims of violence and women in situations of vulnerability has been produced and circulated. Steps have been taken to continue implementing the pilot project on "Multisectoral care for women victims of violence in the area of Greater Tunis", which was launched in 2014. Sectoral protocols concerning care for women victims of violence have been developed (for the sectors of women, the family, childhood, health, justice, the interior and social affairs) as well as a concise procedural manual for their sectoral care. On 25 November 2016, a green telephone line for listening and offering guidance to women victims of violence was launched. A total of 266 calls had been received by the end of 2016.

76. In addition, sectoral protocols concerning awareness-raising were signed by all relevant ministries in December 2016 pending the signing of a multisectoral agreement in due course. The provisions of Decree No. 35 of 2011,[7] which enshrined the principle of parity between women and men in rotation-based electoral lists, helped to increase the number of women in the National Constituent Assembly. However, they occupied only 65 of the 217 seats, that is to say 29.95 per cent. The percentage recorded in the 2014 legislative elections rose to 31.3 per cent of the seats in the Assembly of Representatives of the People. This ratio evolved when vacancies occurred in the Assembly, rising to 34.56 per cent, or 75 seats occupied by women. As a result, the principle of horizontal and vertical parity was enshrined in the electoral bill for the municipalities, which will lead to an increase in the participation of women in local government.

77. In 2012 a number of programmes and activities were organized to encourage women to participate in public and political life by raising women voters' awareness of the initiative aimed at including them in electoral lists, involving them in voting procedures, and supporting their participation in the running of polling stations and the monitoring of elections. The events included an international seminar on the political participation of women in October 2012.

78. The Ministry of National Defence organized a seminar on future perspectives for women members of the armed forces in the context of the 5+5 Defence Initiative. The seminar was attended by various stakeholders from Tunisia and abroad. It established a committee to study the situation of women in the armed forces with a view to combating

various forms of gender-based discrimination. Women have also been involved in all areas of military action and enabled to occupy a number of leadership positions.

79. In the area of employment, a national programme was established to promote women's economic initiatives by creating a special credit line and introducing facilitating conditions. In addition, training, assistance and support has been provided for women entrepreneurs. The programme is supervised by a management unit to ensure its compliance with the objectives of the programme to promote equality between women and men that was established in 2016.

80. Many programmes have been developed to support the economic and social empowerment of women, in particular the integrated national project to prevent school dropout among girls in rural areas, which is implemented in cooperation with the Ministry of Transport, the Ministry of Education, the Ministry of Culture, the Ministry of the Interior and the Al-Madanya civil society association, which supports rural school transport. A multisectoral agreement was signed for the purpose in April 2015. A study is currently being conducted of the employment of women in rural areas and the extent to which they benefit from social welfare in five governorates.

81. A literacy education programme was launched in 2016. It is based on a Prime Ministerial Decree of 17 December 2015 concerning the introduction of a literacy education programme involving the Ministry of Social Affairs, the Ministry for Women, the Family and Children, and the Ministry of Education. In October 2016 a protocol specifying the terms and conditions to be met by parties involved in transporting female employees in the agricultural sector was signed.

82. Access to educational services, medical clinics and contraceptives continues to be provided free of charge in 36 rural centres located throughout the country. Thirty-two teams and two sanatoriums ensure that women in remote areas have access to such services. Measures are being taken to increase the proportion of women in rural areas who benefit from at least one pregnancy monitoring clinic with a view to achieving a ratio that is closer to that recorded for women living in urban areas, which is 98.2 per cent. Tunisia admits that, notwithstanding its efforts, it has been unable to attain the aspired average of four pregnancy monitoring clinics throughout all regions of the country. As a result, 15 per cent of women who have already given birth were unable to access such clinics, especially in mid-western, north-western and southern areas.

83. Notwithstanding the improvement in health-care coverage in rural areas, there are still shortcomings, especially in regional areas, in access to family planning services. According to a national multiple indicator survey of the health-care situation of women and children, the rate of failure to meet contraceptive needs exceeds 10 per cent in the mid-western region, compared with 7 per cent at the national level. There are also major regional disparities in maternal mortality rates. Thus, the ratio exceeds 56 deaths per thousand live births in the south-eastern region, totals 67 deaths in the north-western region, and is estimated at 27.9 deaths in the north-eastern region.

84. The Centre for Research, Studies, Documentation and Information on Women has implemented numerous initiatives aimed at promoting and protecting women's rights (annex 25).

### 2. Enhanced protection of children's rights

85. Article 47 of the Constitution stipulates that: "The State shall provide all forms of protection for children without discrimination and in accordance with the child's best interests." The Child Protection Code is being reviewed and the addition of a chapter on protection of child victims is being considered. Action is being taken to implement article 12 of the Convention on the Rights of the Child concerning participation in public policymaking by involving children in the elaboration of the Five-Year Development Plan 2016-2020 and organizing workshops to hear their proposals. In addition, a booklet entitled "Expectations of children and adolescents from the Development Plan 2016-2020" was produced.

86. Two organic acts have been drafted. The first concerns approval of accession to the third Optional Protocol to the Convention on the Rights of the Child, and the second concerns approval of accession to the Council of Europe Lanzarote Convention on Protection of Children against Sexual Exploitation and Sexual Abuse. The bills were drafted following consultations among ministries and with civil society.

87. Steps were taken (from September 2013 to December 2014) to develop a National Action Plan to Combat Child Labour in cooperation with the International Labour Organization (ILO). The Labour Inspectorate monitors the employment of children in enterprises to ensure compliance with labour regulations, particularly concerning the minimum age and working conditions. A bill to combat cybercrime, which contains provisions aimed at protecting children in cyberspace, is currently being drafted. In addition, measures have been taken in the area of early childhood, and on behalf of children in vulnerable situations and children in conflict with the law (annex 26).

### 3. Support for the rights of persons with disabilities

88. Article 48 of the Constitution requires the State to protect persons with disabilities from all forms of discrimination. It approved[40] the Marrakech Treaty adopted on 27 June 2013 by the World Intellectual Property Organization (WIPO) to facilitate access to published works for people who are blind, visually impaired or have other print disabilities.

89. It was decided to increase[41] the annual recruitment rate to posts in the civil service and in public or private institutions and establishments that employ 100 persons. As a result, the rate of persons with disabilities rose from 1 to 2 per cent. A committee was set up in 2014 to review all legislation in order to identify discriminatory provisions. Special centres were established to care for children with severe disabilities in all regions of the Republic. In addition, two public centres were established for the vocational rehabilitation of persons with motor and acquired disabilities. Each centre caters for some 100 individuals.

90. A national fund-raising programme has been established for indigent persons with disabilities who are able to work. Some 700 projects receive funding each year. Action is also being taken to provide them with social housing. The funds allocated for orthopaedic devices to facilitate their integration were increased from 1,200,000 Tunisian dinars in 2012 to 2,001,500 dinars in 2016.

91. Despite existing difficulties, diverse environments have been successfully adjusted to facilitate the movement of persons with disabilities and their access to services (annex 27). The State provides material, logistic and training-related support to civil society organizations acting on behalf of persons with disabilities. With a view to ensuring equality of opportunity for all students, the school psychologist was assigned the function of regional coordinator for educational integration with a view to overseeing students with disabilities and gifted students with learning disorders at various educational levels. A psychological and behavioural awareness-raising and training plan was developed for all parties involved in the educational process. Hours were set aside for quality support and oversight of the students concerned in integrated schools. Some 3,000 pupils with disabilities were enrolled in primary schools during the 2014/15 academic year.

92. The financial support provided to students with disabilities was increased in 2013 and they were granted additional examination time.

### 4. Elimination of racial discrimination

93. A National Commission to Combat Racial Discrimination has been created in the Ministry for Relations with Constitutional Bodies and Civil Society and for Human Rights. It is tasked with analysing the existing situation and devising a strategy to bring about any reforms required at the legislative, institutional, procedural, educational and cultural levels. The Committee operates through working groups, each of which addresses a particular form of racial discrimination. It is helping the Ministry to draft a bill and develop a national strategy in partnership with various stakeholders.

94. The Ministry held an awareness-raising day on the fight against racial discrimination under the supervision of the Prime Minister on 26 December 2016. The participants discussed existing legislative, institutional and practical difficulties and challenges, and the organization of various educational, awareness-raising and artistic activities in support of the elimination of racial discrimination.

## K. Promotion of economic, social and cultural rights

### 1. Support for development of the least developed regions

95. With a view to supporting the least developed regions, a number of programmes have been developed to improve living conditions, to develop the infrastructure and basic communal facilities, to create sources of livelihood and to improve the residents' income, especially in rural areas, with a view to reducing disparities in development between rural and urban population groups, and encouraging residents to remain in their regions. The principal programmes are as follows:

- **The Regional Development Programme**: The funds allocated to the Programme totalled 547 million dinars during the period from 2011 to 2015. They were used to improve the infrastructure, such as roads and highways in rural areas, and to improve the supply of drinking water and electricity for rural communities. Many people benefited from livelihood support projects in the areas of agriculture, sea fishing, traditional industries, and small trades and crafts, and grants were made available for housing renovation. The funds allocated under the Regional Development Programme were distributed among the governorates based on the regional development index adopted in 2012 in order to reduce the development gap between regions, to promote equity and to address the issues of poverty and unemployment.
- **The Integrated Development Programme**: The aim is to promote a dynamic local economy, to support regional employment, to boost human development indicators in order to improve the quality of life, and to protect the environment. When it was launched in 2011, the first stage comprised 54 projects costing 298 million dinars. The second stage, which was launched in 2013, comprised 36 projects costing 222 million dinars. It should be noted that 80 per cent of the projects were implemented in the interior of the country.
- **The Programme for Regional Development Sites**: Almost 1.2 million working days were generated each year through allocations estimated at 912 million dinars during the period from 2011 to 2014. Some 72,000 workers benefited from the Programme. With a view to enhancing the performance of the mechanism for development site workers, supervisory operations were assigned in 2012 to a single centralized body which paid wages under the Programme based on lists prepared by the regional authorities.
- **The Municipal and Urban Development Programme**: The most important aspects are: improvement of living conditions and integration of residential neighbourhoods in 119 districts, 50 municipalities and 6 governorates inhabited by about 685,000 residents. The three-stage Programme cost about 435 million dinars during the period from 2012 to 2016. Additional funding was allocated by the European Union with a view to implementing expanded programmes for some projects (41 districts) and improving living conditions in the Ennour district of Kasserine. Following the inclusion of a project to improve living conditions in the Ras el-Ain district of Kebili, the total number of projects increased from 119 to 121, and the total cost of the Programme increased from 435 million to about 514 million dinars.
- **The Programme to Reduce Regional Disparities by Improving Living Conditions in Working Class Neighbourhoods**: The aim is to improve living conditions in 220 districts at a total estimated cost of 225 million dinars. To date living conditions have been improved in 86 districts (76 projects) at a total estimated cost of 5,740,000 dinars.

- **The Social Housing Programme**: The aim is to meet the needs of very poor and low-income social groups by providing them with adequate housing and, in particular, to eliminate the phenomenon of primitive housing. To date 807 dwellings have been constructed and 516 lots have been developed for social housing in Kasserine at an estimated cost of 3,510,000 dinars.

### 2. Guaranteeing the right to health

96. With a view to complying with the Constitution and implementing a comprehensive reform of the health sector to guarantee access to health-care services and enjoyment of the best possible state of health, a committee was established in the Ministry of Health to develop a national plan for citizens' health-care services in order to address the shortage of physicians noted by internal bodies in some vital areas of specialization. A programme was developed to support the availability of specialist medical treatment in priority areas. It seeks primarily to ensure the continuity of health-care services in basic and vital areas of specialization in all Tunisian medical institutions and to enhance the quality of health-care services in regional and university hospitals.

97. To that end, 26 million dinars were allocated in early 2015 for the recruitment of physicians to guarantee the continuity of health-care services in the areas in question. A number of legislative texts were promulgated for the purpose.[42] In addition, measures are being taken to extend the network of primary health-care centres. Precise criteria are applied to ensure that priority is given to the neediest groups. With a view to enhancing access to treatment services, the health-care map has been expanded. As a result, the total number of public health-care structures and institutions had increased by late 2016 to 2,123 primary health-care centres, 23 public health-care institutions, 35 regional hospitals and 108 local hospitals.

98. Action is currently being taken to improve access to health-care services for residents of priority areas under the PAZD II Project aimed at supporting a reduction in social disparities and access to health-care services through front-line and intermediary centres in priority regions. The Project forms part of financial agreement No. ENPI/2012/023-522 signed in Tunis on 2 October 2012 between the Government of the Republic of Tunisia and the European Union concerning the health-care support programme for regions located in the interior of the country[43] (annex 28).

### 3. Action to boost employment and vocational training

99. Unemployment in Tunisia is basically long-term structural unemployment. A rate of 15.5 per cent was recorded for the last quarter of 2016.[44] Policies to promote employment led to the adoption of three types of programme: programmes to enhance employment prospects through supplementary training courses in languages and vital skills; programmes to support immediate employment by encouraging enterprises to recruit jobseekers; and programmes to support private enterprise by providing structural support and funding.

100. The Government is taking the following action to address existing challenges[45] in the sector: enhancement of jobseekers' vocational qualifications, behavioural patterns and skills through a comprehensive support and training system pending the development of a vocational project under the "My Opportunity" programme; support for vulnerable groups facing difficulties in the labour market through the implementation of special programmes to prevent unregulated employment; support for those who have suffered damages as a result of economic difficulties; measures to facilitate professional integration; and support for groups with special needs, especially in areas with high unemployment rates. The Government also supports partnerships with non-governmental associations and organizations with a view to building their capacity to support jobseekers. A national dialogue on employment was held in 2016.[46]

101. The vocational training system is undergoing a reform plan involving a range of projects that have promoted the decentralization of the sector by opening it up to individuals, families, regions and institutions. Continuous action is being taken to develop vocational training centres, dormitories and restaurants and to support cultural activities and sports. In addition, the university guidebook has been expanded to include training courses

conducive to high-level technical qualifications. With a view to stimulating enrolment in courses for which there is a high labour-market demand but which tend to be shunned by young people, a sum of 60 dinars per month has been granted for about 250 training courses out of a total of 400 courses provided by public vocational training centres.

102. The project aimed at restructuring vocational training centres for girls in rural areas, which was launched in 2014, continues to be implemented. A comprehensive strategy is being developed to adjust the economic and social variables so that they support the integration of rural girls into their social and institutional environment. The system currently comprises 14 centres located throughout the territory of the Republic. Furthermore, the Ministry of National Defence has established military vocational training schools to provide education and vocational training for children under 18 years of age and to issue them with recognized certificates of vocational training and competence that facilitate their entry into the labour market.

### 4. The right to education and higher education

103. With a view to enhancing educational structures and improving study conditions, a sum of 34 million dinars was allocated from the funding programme for 2016 for the creation and maintenance of educational institutions at the primary and secondary level and boarding schools. Support and maintenance was provided under the "School Month" campaign for more than 4,000 educational establishments. The "School-friendly Enterprise" programme seeks to involve economic actors in initiatives aimed at the maintenance of educational institutions and 224 partnership agreements have been signed under the programme. The objectives of the expansionist programme include the construction and replacement of sanitation facilities (for students and teachers) in all establishments, especially those in rural and border areas, in which such facilities are still fully or partially lacking, and the construction of ordinary and specialized classrooms, technical laboratories, reading rooms and fences. There is also a teaching kit programme, which supports access to and replacement of ordinary teaching kits in all educational institutions.

104. Continuous action is being taken to universalize the preparatory year by making it free and compulsory. As a result, the preparatory class coverage ratio reached 45.8 per cent in the 2015/16 academic year. Such action was extended, in particular, to rural areas. The net enrolment ratio for the preparatory year among children aged between 5 and 6 years attained about 85.9 per cent in the 2015/16 academic year. With a view to supporting the programme to prevent early school dropout and failure rates, a partnership agreement covering the period until 2018 was signed between the Italian Agency for Development Cooperation and the United Nations Children's Fund (UNICEF). It covers 34 educational establishments in the 19 governorates that record that highest dropout rates.

105. A review of the existing school map system led, at the beginning of the 2016/17 academic year, to the grouping together of educational establishments at the geographical level, the provision of school transport and nutrition services, and the termination of the practice in certain establishments of combining classes at different levels. In addition, the map of educational establishments was expanded to comprise all levels so that, at the beginning of the 2016/17 academic year, it covered a total of 6,070 establishments distributed as shown in the annex (annex No. ...). A School Services Department was established pursuant to Order No. 664 of 25 July 2016 for the purpose of supporting school services (establishment and maintenance of school transport). A total of 500,000 students will have access to school meals on 170 schooldays with effect from the 2016/17 academic year.

106. **Higher education**: With a view to complying with article 39 of the Constitution and article 6 of the Act[47] on higher education, which stipulates that: "Holders of a *baccalauréat* or of a foreign diploma recognized as equivalent thereto shall have access to higher education" (it being understood that such access should be based on students' skills and should not involve any discrimination based on their social or economic background), the Ministry of Higher Education and Scientific Research is restructuring the university map with a view to facilitating access to university-level institutions for students in various urban and rural areas. With that end in view, university institutions have been located in

different regions of the Republic and a higher institute of technology has been established in each governorate. Students are directed to universities located close to their areas of residence. The annexed tables show the number of students, the proportion of females, gender parity ratios at the tertiary level, and the distribution of public and private higher education and research institutions in the different regions [48] (annexes 29 and 30). Affirmative action has been taken on behalf of female students, who now benefit from university accommodation for three years, compared with two years previously, following an amendment of the Decree establishing the conditions and standards to be met for attribution of university accommodation.[49]

107. The Ministry of Higher Education and Research has not pursued a policy based on gender discrimination. Its policy is based on criteria of competence and merit. Women are actively and officially involved in decision-making in higher education and scientific research establishments and in electing management and pedagogical bodies in such establishments. Women's participation in elections has led to the election of 3 female university vice-presidents and of 19 female presidents of higher education and research establishments and their scientific councils.

### 5. The right to adequate housing

108. Action has been taken since 2012 to support public actors through additional funding mechanisms for adequate housing. For instance, primitive dwellings have been demolished and replaced by new housing. Social housing has been provided under a special social housing programme, which is evolving in both legal and practical terms[50] (annex 31). Financial assistance has been made available to needy and middle-class groups for the renovation or acquisition of housing under the programme, which provides soft loans for housing renovation or for the building or purchase of affordable dwellings to social groups whose income does not exceed 4.5 times the guaranteed minimum wage. Alternatively, a credit line may be opened under the "First Home" programme[51] (annex 32). The State is also seeking to address difficulties relating, in particular, to the shortage of suitable land for building, the complex real-estate situation that arises when land is available, and the difficulties in raising the requisite funds owing to current public financing difficulties. The authorities are therefore introducing a set of legal and practical reforms[52] (annex 33).

109. The Ministry of State Property and Real-Estate Affairs has begun adjusting the situation of housing complexes on State land, i.e. a total of 934 complexes covering an area of 6,973 hectares, 90 ares and 96 centiares. Real estate owned by the State was sold at a symbolic rate of 1 dinar for the benefit of the municipalities so that they could subsequently enable persons holding titles to acquire the dwellings in line with the right to housing, and so that the real estate could serve as a social guarantee and an economic resource, especially since most of the title holders belong to classes requiring economic and social support.

### 6. Implementation of cultural rights in accordance with constitutional principles

110. In line with the principles of participatory democracy and cultural decentralization, the Ministry of Cultural Affairs is pursuing a comprehensive and integrated cultural policy based on current political, economic and social circumstances and focusing on the programmes described below. Under the national programme to develop artistic capacities, to enhance creativity and to stimulate the work of civil society associations in all governorates, arts centres were established in 15 governorates during the last quarter of 2016. They are to be extended to the remaining governorates in early 2017 and subsequently to the administrative districts known as delegations. The programme on urban civilizations of Tunisia, which is to be launched in early 2017, is designed to highlight the country's heritage and the use of modern technology to support it. Two hundred independent cultural spaces have been established, and steps have been taken to develop artistic components for the city of culture in Tunis. The aim of the project is to organize cultural spaces and artistic groups and to upgrade their statutes and human and technical resources in the context of the project on development of artistic components for the city of culture in Tunis. A partnership between the public and private sectors will also be launched with a view to developing and integrating the cultural structure into the production cycle of

the national economy. Another programme aims at upgrading the structure of public institutions engaged in cultural work by reviewing their foundations and familiarizing their human resources with modern concepts of cultural activity, especially in the areas of cultural administration and mediation based on a horizontal approach involving the integration of other actors, including civil society associations, as parties capable of supporting the State's efforts to implement the programme. In this context, 200 partnership initiatives involving local cultural associations and institutions engaged in cultural activities will be launched as well as 40 partnership initiatives involving the private sector in order to utilize and equip a number of institutions, bearing in mind the principle of affirmative action. The Ministry of Cultural Affairs is drafting a number of bills with a view to guaranteeing an appropriate legal basis for the implementation of the above-mentioned programmes.[53]

## III. Challenges and initiatives

111. The Tunisian State is currently facing multiple challenges at all levels. They are basically attributable to the democratic transition, which affected all the country's institutions, to the economic and financial difficulties and heavy pressure on the State's budget, and to the security situation faced by the State in the fight against terrorism, which impedes progress in discharging projects, establishing institutions and ensuring the full implementation of rights. The foregoing account of the Tunisian State's action to protect and promote human rights should not obscure the scale of its responsibility, in the years ahead, to take the requisite steps towards completion of the institutional framework, especially with respect to the judiciary, independent authorities, advisory boards, national commissions, and regional, provincial, local and other structures.

112. Measures will be taken to expedite the establishment of constitutional bodies by completing the legislative process and enacting the legislation governing their establishment. Further action will be taken to reform the judiciary and the prison system with a view to supporting the independence of the judiciary and the penitentiary system, enhancing the quality of the judiciary, protecting defendants' right to a fair trial within a reasonable time, and facilitating access to justice, particularly for weak and vulnerable groups. Steps will be taken to develop the security and military system with a view to countering the threat of terrorism while respecting rights and freedoms.

113. The State will take action to ensure compliance with all rules of governance, to prevent corruption through the National Integrity System, to guarantee access to information, to reform the administration by introducing a system applicable to senior positions, to build human resource capacities, to support administrative expertise, to promote open governance and efficient and speedy paperless data management, and to improve the quality of services provided to citizens and institutions. During the period ahead, diverse measures will be taken to align the legal system governing public life with the Constitution and relevant ratified international norms. It is planned, for example, to review the legal framework applicable to associations, particularly sources of funding, while respecting the principle of freedom, and to bridge existing gaps in order to address difficulties in implementation, while providing guarantees of transparency of associations' activities, and facilitating the administration of the requisite means and procedures. It is also planned to align the legal framework applicable to freedom of the press and publication and to audiovisual communication with applicable international standards, bearing in mind the requirements of technological development. A study of political parties will be undertaken with a view to identifying shortcomings and particularities and amending the legislation governing political parties in order to align it with the best applicable standards.

114. In line with the State's firm belief in the need to maintain a benign social climate that meets the requirements of the approved social contract, action will focus on the establishment of a national council for social dialogue as a standing body tasked with methodical monitoring of concerns, engaging in consultations and studying issues pertaining to the social arena. It is planned to diversify actions aimed at reducing poverty with a view to reducing the rate of extreme poverty from 4.6 per cent to 2 per cent, and

reducing the poverty rate from 15.5 per cent in 2010 to 10 per cent. Action will be taken to raise the human development index from 0.729 in 2015 to 0.772, and to allocate funds equivalent to at least 20 per cent of gross domestic product for expenses and remittances of a social nature. Steps will also be taken to address all forms of exclusion and marginalization, to reduce disparities between different groups and regions by redistributing the fruits of development, and to promote social equity and justice by reducing the disparity in the regional development index by 30 per cent by 2020.

115. Furthermore, in the context of human resource capacity-building and the improvement of living conditions for all citizens through educational services, action will be taken to universalize the preparatory year by 2020, to convert 50 per cent of universities into establishments specializing in science and technology, to reduce the illiteracy ratio for persons in the 10 to 59 age group from 18 per cent to 16 per cent by 2020, to develop the health-care system so that life expectancy at birth is increased to 76 years and mortality rates are reduced to the lowest possible levels, and to reduce households' share in the financing of health-care services from 38 per cent in 2015 to 30 per cent.

116. Action will be taken to raise the employability potential for each percentage point of growth from 18,000 to 20,000 citizens, so that nearly 400,000 jobs can be created and the unemployment rate can be reduced from 15 per cent in 2014 to 12 per cent in the years ahead. It is also planned to increase the proportion of workers employed in the social and solidarity-based economic sector from 0.5 per cent to 1.5 per cent of the working population.

117. Action will also be taken to improve communal facilities and basic utilities, such as lighting, drinking water and access to sanitation networks, with a view to achieving a major improvement in living conditions. It is planned to complete 100,000 social housing units within the next five years and to increase the public transport ratio from 30 to 40 per cent.

118. The State will step up efforts to develop comprehensive national human rights policies embracing all sectors, such as education, health, the environment, etc., and to support their implementation. It will also define and establish a comprehensive national human rights system based on a participatory approach, and promote a human rights culture to uphold the enjoyment and exercise of rights and freedoms, and to promote respect for other persons, for diversity and for other principles and values.

*Notes*

[1] الفصول من 50 إلى 124 ومن 131 إلى 142 من الدستور و (و.أ.م من الفقرة 10إلى الفقرة 19 صفحة 6 إلى 9).
[2] الفصل السادس من الدستور.
[3] الفصل 49 من الدستور.
[4] و.أ.م فقرة 20 صفحة 9 إلى 12.
[5] بمقتضى الأمر الحكومي عدد 1593 لسنة 2015 (م.ع 5).
[6] خلال شهر مارس 2015.
[7] خلال شهر أفريل 2016.
[8] خلال شهر سبتمبر 2016.
[9] (و.أ.م من الفقرة 15 إلى الفقرة 17 صفحة8)
[10] بإصدار المرسومين عدد 69 و70 لسنة 2011 في 29 جويلية 2011.
[11] و.أ.م من الفقرة 45 إلى الفقرة 55 من الصفحة 18 إلى الصفحة 20.
[12] عدد 23 لسنة 2012 (م.ع 9 ) وأصدرت نظام أساسي خاص بها (م.ع.10).
[13] الموقع الالكتروني للهيئة http://www.isie.tn
[14] الموقع الالكتروني للهيئة http://haica.tn
[15] المحدثة بموجب المرسوم عدد 116 لسنة 2011.
[16] الموقع الالكتروني للهيئة http://www.inlucc.tn/
[17] المحدثة بموجب المرسوم عدد 120 لسنة 2011
[18] أحدثت بالقانون الأساسي عدد 43 لسنة 2013 (م.ع 13).
[19] الموقع الالكتروني للهيئة www.ivd.tn
[20] بموجب القانون الأساسي عدد 22 لسنة 2016 (م.ع 15) .
[21] منشورة على الموقع http://www.e-justice.tn/fileadmin/fichiers_site_arabe/Bureau_EPP/projets/doc_strat.pdf
[22] منشورة على الموقع http://www.ilacnet.org/wp-content/uploads/2015/02/Plan-daction-r--forme-de-la-justice-2015-19-FR-et-AR.pdf

[23] الإرهاب المحدث بموجب القانون الأساسي عدد 26 لسنة 2015 (م.ع 17).
[24] المحدث بموجب القانون الأساسي عدد 77 لسنة 2016 (م.ع 18).
[25] منشورين على موقع الهيئة
[26] (الأمر الحكومي عدد 1382 لسنة 2016).
[27] بموجب قرارها الصادر بتاريخ 13 نوفمبر 2015.
[28] القانون عدد 5 لسنة 2016 بتاريخ 16 فيفري 2016.
[29] القانون عدد 70 لسنة 1982.
[30] القانون عدد 04 لسنة 1969.
[31] أمر عدد 4030 لسنة 2014 المؤرخ في 3 اكتوبر 2014.
[32] الكاف وجندوبة وسوسة المسعدين والقصرين وقفصة وصفاقس وحربوب بمدنين.
[33] عدد 52 المؤرخ في 14 ماي 2001.
[34] (الملحق عدد 13 ، المعطيات حول المودعين بالسجون والمحكوم عليهم بالإعدام).
[35] قانون اساسي عدد61 لسنة 2016 المؤرخ في 3 أوت 2016.
[36] في الفقرة 3 من التوطئة والفصول 7 و21 و24 و30 و34 و39 و40 و46 و47.
[37] الأمرين عدد 4063 و4064 لسنة 2013.
[38] القانـون الأساسي عدد **46** لسنة **2015** المؤرخ في **23** نوفمبر **2015** والمتعلق بتنقيح وإتمام القانون عدد **40** لسنة **1975** المؤرخ في **14** ماي **1975** المتعلق بجوازات السفر ووثائق السفر.
[39] المرسوم عدد 35 لسنة2011 المتعلق بانتخاب اعضاء المجلس الوطني التاسيسي.
[40] بمقتضى القانون الأساسي عدد 45 لسنة 2016.
[41] بمقتضى القانون عدد 41 لسنة 2016.
[42] الأمر عدد 2752 لسنة 2015 المتعلق بسن أحكام استثنائية للأنظمة الأساسية الخاصة بالأسلاك الطبية بخصوص إبرام اتفاقيات في إطار برنامج دعم طب الاختصاصات بالجهات ذات الأولوية، القرار المؤرخ في 31 ديسمبر 2015 والمتعلق بسن أحكام استثنائية لقرار وزيري المالية والصحة المؤرخ في 14 مارس 2016 ! والمتعلق بدوره بتحديد شروط ممارسة و مدة ومكافأة النشاط الذي يمكن أن يتعاطاه الأطباء و الصيادلة و أطباء الأسنان والفنيون السامون المباشرون بالقطاع الحر بهياكل الصحة العمومية.
[43] المصادق عليها بمقتضى الأمر عدد 1421 لسنة 2013 المؤرخ في 22 أفريل 2013 (ملحق حول المشروع)
[44] تتمثل نسبة بطالة الذكور 12.40% في حين تبلغ نسبة بطالة الإناث 20.22% رغم مجهودات الدولة في تحسين تشغيلية طالبي الشغل عبر برامج خصوصية تهدف إلى تطوير المهارات ودعم الادماج في الحياة المهنية.
[45] تتمثل التحديات التي يجابهها القطاع بالأساس في :
- عدم قدرة النسيج الاقتصادي على استيعاب الوافدين على سوق الشغل نتيجة للعوامل التالية : ضعف الاستثمار الخاص سواء الوطني أو الأجنبي ونقص في البنية الأساسية في المناطق الداخليةو توسّع التجارة الموازية،وضعف في نسبة التأطير وفي الإنتاجية، وضعف في الطاقة التشغيلية عموما للنسيج الاقتصادي نتيجة تركيبته التي تطغى عليها المؤسسات الصغرى والمتوسطة والمؤسسات متناهية الصغر وضعف تشغيلية المتخرجين من المنظومة الوطنية للتربية والتكوين.
[46] ضمّ جميع الوزارات وممثلين عن الاتحاد العام التونسي للشغل والاتحاد التونسي للصناعة والتجارة والصناعات التقليدية وممثلين عن مكونات المجتمع المدني للقيام بتشخيص توافقي يهدف بالأساس إلى استنباط حلول توافقية وقد انبثق عن الحوار الوطني للتشغيل الإعلان التونسي للتشغيل الذي أرسى عديدا من المبادئ.
[47] القانون عدد 19 لسنة 2008 المؤرخ في 25 فيفري 2008.
[48] (ملحق 2)
[49] قرار مؤرخ في 18 جانفي 2016 (ملحق عدد).
[50] (ملحق عدد)
[51] (ملحق عدد)
[52] (ملحق عدد)
[53] يذكر منها خاصة : مشروع قانون يتعلق بإحداث مدينة تونس الثّقافيّة وبضبط مشمولاتها ومكوّناتها وستضمّ المدينة الأقطاب الثّقافيّة والفنّية التّالية : مسرح أوبرا تونس، المكتبة السّينمائيّة، المتحف الوطني للفنون الحديثة، مركز السّياسات الثّقافيّة الاستشرافيّة والمكتبة الوطنيّة. ومشروع قانون يتعلق بالمتاحف الذي يهدف إلى سدّ الفراغ القانوني في المجال مع الإشارة إلى أنه يؤخذ بعين الاعتبار في صياغته المعايير الدّولية وتوصيات اليونسكو مع اعتبار الخصوصيّة التّونسيّة. ومشروع قانون يتعلق بالمهن الفنية والإبداعية الذي يهدف إلى إعطاء الفنان والمبدع الوضعية القانونية تضمن له حقوقه والمكانة الإجتماعية التي يحتلها بالنظر إلى مياهمته في تحقيق استدامة التنمية في أبعادها الاجتماعيةوالثقافية والاقتصادية والبيئية.